

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LAURA BOUSTANI, et al.,)	CASE NO. 1:06CV2065
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	
)	<u>OPINION AND ORDER</u>
J. KENNETH BLACKWELL,)	
)	
Defendant.)	

CHRISTOPHER A. BOYKO, J.:

This matter comes before the Court upon the Complaint and Motion for Preliminary Injunction filed August 29, 2006 (ECF DKT #1 & ECF DKT #3). A hearing was conducted in open court on October 4, 2006, and the Court orders as follows:

The parties have agreed, and the Court so finds, that a permanent injunction shall issue against Defendant, J. Kenneth Blackwell, as Secretary of State, and all others acting for and on his behalf, enjoining enforcement of the following portions of Ohio Revised Code Section 3505.20(A), as amended by House Bill 3, to-wit: subsections (A)(2), (3), and (4) and the text following immediately thereafter:

“(2) Are you a native or naturalized citizen?

(3) Where were you born?

(4) What official documentation do you possess to prove your citizenship? Please provide that documentation.

If the person offering to vote claims to be a naturalized citizen of the United States, the person shall, before the vote is received, produce for inspection of the judges a certificate of naturalization and declare under oath that the person is the identical person named in the certificate. If the person states under oath that, by reason of the naturalization of the person’s parents or one of them, the person has become a citizen of the United States, and when or where the person’s parents were naturalized, the certificate of naturalization need not be produced. If the person is unable to provide a certificate of naturalization on the day of the election, the judges shall provide to the

person, and the person may vote, a provisional ballot under section 3505.181 of the Revised Code. The provisional ballot shall not be counted unless it is properly completed and the board of elections determines that the voter is properly registered and eligible to vote in the election.”

The parties, by agreement, have expanded the above-referenced language, challenged as unconstitutional, beyond that identified in the original Complaint; and the Court, therefore, amends the pleadings in conformity with that agreement.

In accordance with the agreement of the parties, in light of the approaching General Elections of November 7, 2006, and to effectuate the implementation of this Order, the Secretary of State shall: (1) issue a Directive, which is not inconsistent with this Opinion and Order, to the local boards of election in all counties of the State of Ohio, and (2) shall place, or cause to be placed in each voting location, conspicuous notice in clear, simple language, reciting that naturalized citizens will not be required to provide additional documentation or information before casting their regular ballot.

This Order issues upon this Court’s independent determination that the above-referenced portions of Ohio Revised Code Section 3505.20(A) are unconstitutional. An expanded opinion of the Court’s reasoning in support of this Order shall follow. In light of the above agreement of the parties and the orders of this Court, Plaintiffs’ Motion for Preliminary Injunction is rendered moot.

IT IS SO ORDERED.

October 4, 2006
Date

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge